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FACSIMILE COVER SHEET

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From: **Kurt L. VanVoorhies**

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Application No. : 10/620,749

Confirmation No. 9001

Applicant : Shan CONG et al.

Filed : 15 July 2003

TC/A.U. : 3662

Examiner : Isam A. ALSOMIRI

Title : ROAD CURVATURE ESTIMATION AND AUTOMOTIVE TARGET STATE
 ESTIMATION SYSTEM

Docket No. : 5701-01293

Customer No. : 26659

Facsimile Contents:

- | | |
|---|-----------|
| 1. Transmittal - | 1 page; |
| 2. Payment of \$130 by Credit Card Payment Form - | 1 page; |
| 3. Petition to Director Under 37 CFR §§ 1.181 and 1.113(a) - | 11 pages; |
| 4. Appendix containing Exhibits 1-3 | |
| Exhibit 1 : Excerpts from USPTO PASAT Help File | 5 pages; |
| Exhibit 2 : Excerpts from USPTO ABX Version 1.1 Help File | 7 pages; |
| Exhibit 3 : Excerpts from USPTO ABX Version 1.2 Help File | 9 pages; |
| 5. Certificate of Transmission under 37 C.F.R. section 1.8(a) (on items 1 and 3). | |

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/820,749	
	Filing Date	15 July 2003	
	First Named Inventor	Shan CONG et al.	
	Art Unit	3662	
	Examiner Name	Isam A. ALSOMIRI	
Total Number of Pages In This Submission	34	Attorney Docket Number	5701-01293

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt L. VanVoorthies, Dinnin & Dunn, P.C. (Via FAX)
Signature	<i>Kurt L. Van Voorthies</i>
Date	18 January 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kurt L. VanVoorthies		
Signature	<i>Kurt L. Van Voorthies</i>	Date	18 January 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application Serial No. 10/620,749

Petition dated 18 January 2005 for Review of Objections by Examiner
Response to Office Action dated 18 November 2004

5701-01293

STATEMENT OF FACTS INVOLVED

Application Status

1. The instant application is under final rejection of claims **32-37**, with claims **1-6** and **29-31** cancelled, and original claims **7-28** allowed. The instant application is also under final objection to the specification for lack of **BACKGROUND OF THE INVENTION** and **BRIEF SUMMARY OF THE INVENTION** sections, which final objection is the basis for this petition.

Background

2. The instant application was filed on **15 July 2003** with the following sections:

TITLE;

CROSS-REFERENCE TO RELATED APPLICATIONS;

BRIEF DESCRIPTION OF THE DRAWINGS;

DESCRIPTION OF EMBODIMENT(S);

APPENDIX – DESCRIPTION OF KALMAN FILTERING;

CLAIMS; and

ABSTRACT OF THE DISCLOSURE.

3. On **02 June 2004**, the Examiner objected to the specification for failing to include the following sections:

(e) **Background of the Invention:** set forth in two parts:

(1) **Field of the Invention**

(2) **Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98.**

(f) **Brief Summary of the Invention; and**

(g) **Brief Description of the Several Views of the Drawings().**

4. On **02 September 2004**, Applicant traversed the objection to the lack of section (g), and requested reconsideration of the objection to the lack of sections (e) and (f).

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5. On 18 November 2004, the Examiner repeated to the objection to the lack of sections (e) and (f) listed in paragraph 3, asserting that "[a]s provided in 37 CFR § 1.77(b), the specification of a utility application **should (MUST) include the following sections in order**" (emphasis in original), followed by a listing of sections (a)-(k) corresponding to items (1)-(11) from 37 CFR 1.77(b). The Examiner further stated as follows: "The specification is missing sections (e) and (f). The specification should (must) include the missing section. Each section above should be included in the specification of the application. In the instant application sections (e) and (f) are applicable. Therefore, these sections must be in the specification.
6. On 17 January 2005, the undersigned filed by facsimile a Request for Reconsideration Under 37 CFR § 1.111 (which in hindsight would more properly be under 37 CFR § 1.113) which included a substantial portion of the Remarks herein. On 18 January 2005, the undersigned sent a copy of this document directly to the Examiner by facsimile.
7. On 18 January 2005, after reviewing the Request for Reconsideration with his supervisor, the Examiner advised the undersigned that the objection to the specification as to the BRIEF SUMMARY OF THE INVENTION would not be withdrawn.

POINTS TO BE REVIEWED

1. Whether a BACKGROUND OF THE INVENTION is required in the instant application.
2. Whether a description of related art including information disclosed under 37 CFR 1.197 and 1.97, is required in a BACKGROUND OF THE INVENTION section of the instant application; and
3. Whether a BRIEF SUMMARY OF THE INVENTION is required in the instant application.

ACTION REQUESTED

1. Overrule the Examiner's objection to a lack of a BACKGROUND OF THE INVENTION in the instant application; and
2. Overrule the Examiner's objection to a lack of a BRIEF SUMMARY OF THE INVENTION in the instant application.